

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

RONALD S. HINES, D.V.M., §
Plaintiff, §
§
v. § CIVIL ACTION NO. 1:18-CV-155
§
JESSICA QUILLIVAN, D.V.M., *et al.*, §
Defendants. §

DEFENDANTS' ADVISORY

Defendants file this Advisory relating to mootness, and respectfully offer the following in support:

ADVISORY

Defendants are members of the Texas State Board of Veterinary Medical Examiners (TBVME). Dkt. 1 ¶ 13. Plaintiff sued them in their official capacities. *Ibid.*

The Texas Legislature recently enacted, and the Governor signed, Senate Bill (S.B.) 1414. Tex. S.B. 1414, 88th Leg., R.S. (2023). The law, effective September 1, 2023, transfers TBVME's rulemaking and enforcement powers to the Texas Department of Licensing and Regulation (TDLR). Senate Bill 1414 further relegates Defendants to the role of an advisory board assisting TDLR. *Id.* The transfer of rulemaking and enforcement authority from TBVME to TDLR will remain in place at least through September 1, 2027. *Id.* The expiration date of S.B. 1414 coincides with the potential sunset of TBVME, absent action by the Texas Legislature and the Sunset Commission. *Id.*

Senate Bill 1414 moots this suit. “Generally, any set of circumstances that eliminates actual controversy after the commencement of a lawsuit renders that action moot.” *Ctr. for Individual Freedom v. Carmouche*, 449 F.3d 655, 661 (5th Cir. 2006).

Defendants no longer enforce the laws and regulations challenged by Plaintiff; consequently, Plaintiff’s alleged injuries cannot be redressed through an award of declaratory and injunctive relief against them. *Church of Scientology of California v. United States*, 506 U.S. 9, 12 (1992) (“[I]f an event occurs while a case is pending on appeal that makes it impossible for the court to grant ‘any effectual relief whatever’ to a prevailing party, the appeal must be dismissed.”).

Respectfully submitted.

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been sent by electronic notification through ECF by the United States District Court, Southern District of Texas, on July 27, 2023, to all counsel of record.

/s/ Johnathan Stone _____
JOHNATHAN STONE
Assistant Attorney General